

MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

BY-LAW #36-2016

Being a by-law to permit and regulate the size and mode of construction of culverts and entranceways which cross any drain or watercourse on a public highway under the jurisdiction of the corporation

WHEREAS Section 11(3)(6) of the *Municipal Act*, S.O. 2001, c. 25, as amended, authorizes a municipality to pass by-laws respecting matters within the spheres of jurisdiction regarding drainage and flood control;

AND WHEREAS it is desirable and expedient that the Corporation of the Township of Armour regulate the entrance ways and placement of culverts on public highways under Council's control;

NOW THEREFORE the Council of the Corporation of the Township of Armour enacts as follows:

1. That an entrance way, for the purposes of this by-law, is any driveway, laneway, private road, entrance or other structure or facility constructed or used as a means of access to a Township road and includes the tiling and covering of a roadside ditch for the purpose of improving a lawn or other frontage.
2. That no entrance, culvert or bridge over any ditch or watercourse or adjacent to any Township road may be constructed without approval by the Road Supervisor of the Corporation.
3. That an application, as set out in Schedule "A" attached hereto, must be received before any work commences and include the applicable fees as set out in the Township of Armour's current fee by-law, payable to the Township of Armour.
4. That the application mentioned in Schedule "A" is to be used for all new entrance ways or, where substantial changes to existing entrance ways are proposed.
5. That the location of the entrance must be approved by the Road Supervisor to ensure public safety and convenience and to provide favourable sight lines, grade and alignment for all traffic using the proposed access and roadway; no undue interference with the safe movement of traffic; and will not adversely affect other properties.
6. That the diameter, gauge, length and type of culvert to be used shall be determined by the Road Supervisor.
7. That land owners shall purchase and install, or have installed, the approved culvert.
8. That all land owners, or their contractors, installing an entrance way / culvert shall be responsible for contacting any service providers that may have underground services located on their property or in the area of the installation of the culvert.
9. That all land owners, or their contractors, installing an entrance way/culvert are responsible for damage to the travelled portion of the highway, street or road as a result of the construction. The Township may effect the repairs at the cost of the land owner.
10. That the Road Supervisor and By-Law Enforcement Officer are hereby authorized, in the event an entrance way / culvert has been installed or improved to an unacceptable standard, to affect such installation or repair as necessary, at the expense of the assessed owner of the benefitting property.

11. That the deposit portion of the required fee shall be returned to the applicant following the completed construction of the entrance way / culvert and its approval by the Road Supervisor. There shall be a maximum of six months from the date of approval for the completion of construction. Failure to complete construction and receive final approval in this time period will result in forfeiture of the deposit to the Corporation. A temporary entrance for a maximum period of six months may also be approved and which also requires an application and the payment of the fee. Failure to remove the temporary entrance way / culvert within the approved time period will result in forfeiture of the permit fee to the Corporation.
12. That entrance approval is a pre-requisite to the issuance of a Building Permit by the Chief Building Official of the Corporation.
13. That no person shall apply an asphalt or other hard surface to that portion of an entrance way on the road allowance except under written authorization from the Road Supervisor. No concrete surfaces are permitted on that portion of the entrance way that is over any part of the road allowance of the Corporation.
14. That the Corporation shall, after the final inspection and approval by the Road Supervisor, maintain and replace from time to time as required, all culverts and structures installed under this by-law. The maintenance of the driving surface of all entrance ways shall be the responsibility of the applicant or land owner to whom the entrance way gives access. The Council of the Corporation reserves the right to make policy decisions on the timing and scope of replacement of culverts as dictated by financial constraints in place within the Corporation from time to time.
15. That second and subsequent entrance ways shall only be permitted by written authorization and approval by the application process by the Road Supervisor and shall be expressly at the expense of the land owner. Such land owner will be required to file a statement with the Corporation acknowledging that the undertaking and all future maintenance is at his expense and shall be done under the direction of the Road Supervisor.
16. That if the work to be done by the person directed or required to do is in default, such matter or thing shall be done by the Corporation at the expense of the property owner and the Corporation may recover the expense incurred by the forfeiture of the required application deposit, plus all other associated costs in the same manner as municipal taxes.
17. That every person who contravenes the provisions of this by-law is guilty of an offense and upon conviction is liable to a fine as determined under the *Provincial Offenses Act, RSO 1990*.
18. That any previous by-laws pertaining to construction of culverts and entranceways which cross any drain or watercourse on a public highway, including by-law # 32-2001 is hereby rescinded.
19. That this by-law repeals by-law #44-2012.
20. That this by-law shall take force and come into effect upon the third and final reading thereof.

Read in its entirety, approved,
signed and the seal of the
Corporation affixed thereto and
finally passed in open Council this
12th day of July, 2016.

Original signed by Bob MacPhail
REEVE

Original signed by Wendy Whitwell
CLERK-ADMINISTRATOR

By-Law #36-2016
Schedule "A"

TOWNSHIP OF ARMOUR ACCESS PERMIT

OWNER

Name: _____ Signature: _____

Address: _____

City, Village, Town: _____ Province: _____

Postal Code: _____ Telephone: _____

Email: _____

APPLICANT

Name: _____

Address: _____

City, Village, Town: _____ Province: _____

Postal Code: _____ Telephone: _____

LOCATION

Roll No.: _____

Lot No.: _____ Conc. No.: _____ Plan No.: _____ Sub Lot: _____

Is this property subject to Site Plan
Control? _____

Road Name/Civic Address: _____

Driveway: First: _____ Second: _____

Driveway Surface: Gravel: _____ Paved: _____ Other: _____

Location will be marked by – Date: _____ Marked with: _____

To be Completed by the Office

Administration Fee Received – Date: _____

Refundable Deposit Received – Date: _____

Culvert

Required: No: _____ Yes: _____ Diameter: _____ Type: _____

Approved for installation: _____ Signature of Road Supervisor: _____

Final inspection
of installation – Date: _____ Signature of Road Supervisor _____

Refund Deposit – Date: _____ Signature of Office Personnel: _____

Note: All entrances are required to be a minimum of 6 metres (20 ft.) in width